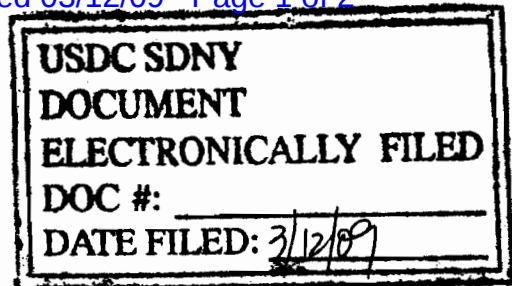


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
CHRISTINE RODRIGUEZ, ET AL.

Plaintiffs,

-against-

IT'S JUST LUNCH INT'L, ET AL.,

Defendants.
-----X

07-civ-9227 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

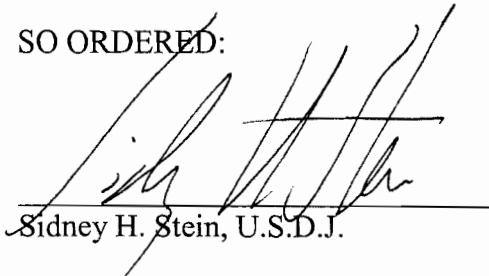
A group of current and former customers of a matchmaking service bring this putative class action against defendants It's Just Lunch, International; It's Just Lunch, Inc.; and Harry and Sally, Inc., alleging (1) fraudulent inducement and misrepresentation, (2) negligent misrepresentation, (3) deceptive business acts or practices in violation of N.Y. Gen. Bus. Law § 349 (4) false advertising in violation of N.Y. Gen. Bus. Law § 350, and (5) unjust enrichment. On February 17, 2009, Magistrate Judge Kevin N. Fox issued a report recommending dismissal of all but plaintiffs' unjust enrichment claims. Both parties timely filed objections to that Report and Recommendation.

After de novo review of the Report and Recommendation and both parties objections, see 28 U.S.C. § 636(b)(1)(B and C), the Court adopts Magistrate Judge Fox's findings, and concludes that plaintiffs validly state a claim for unjust enrichment, but that plaintiffs' claims for fraudulent inducement and misrepresentation, negligent misrepresentation, deceptive business acts or practices, and false advertising should be dismissed for the reasons set forth in Magistrate Judge Fox's report. Dismissal is without prejudice, and plaintiffs' request for leave to file an amended complaint pursuant to Fed.

R. Civ. P. 15(a)(2) is granted. Plaintiffs are to file their second amended complaint on or before April 1, 2009.

Dated: New York, New York
March 11, 2009

SO ORDERED:



Sidney H. Stein, U.S.D.J.